

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JULY 12, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-13505 - APPLICANT/OWNER: GREAT MALL OF LAS VEGAS, LLC**

---

**\*\* CONDITIONS \*\***

The Planning Commission (3-3 vote) recommends DENIAL. Staff recommends APPROVAL, subject to:

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Major Modification (MOD-11449), Special Use Permit (SUP-11444) and Site Development Plan Review (SDR-10126) shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. In lieu of compliance with the open space requirements of Municipal Code 19.06.110, the developer will be allowed to make a contribution To Whom It May Concern: the City of Las Vegas Parks CIP Fund in the amount of \$164,204.00 to be utilized by the City Council for improvements to existing public parks nearby. This contribution must be made to Land Development prior to approval of a Final Map; otherwise, the developer is still required to comply with the Open Space requirement in accordance with Title 19 of the Las Vegas Municipal Code.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request for a Variance to allow 15 percent open space where a minimum of 20 percent open space is required on 24.91 acres adjacent to the northeast corner of Deer Springs Way and Grand Montecito Parkway. A Major Modification (MOD-11449), Special Use Permit (SUP-11444) and Site Development Plan Review (SDR-10126) will also be heard with this item.

**EXECUTIVE SUMMARY**

This Variance pertains to only the portion of the proposed mixed-use project that is in the Town Center area. This is the eastern portion of the development as noted on the submitted site plan. A revised open space plan submitted May 16, 2006 indicated that 4.04 of the 24.91 gross acres, or 16.2 percent, would consist of open space. The deviation of 19 percent is too great to accept for a large planned project such as this one, in which such considerations should be integrated into the overall design; therefore, the recommendation is for denial. If denied, a new open space and site plan must be submitted showing compliance with the 20 percent standard.

**BACKGROUND INFORMATION**

**A) *Related Actions***

- |          |   |
|----------|---|
| 12/07/98 | The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) of a 1,468-acre portion of the Northwest, including the subject site. The Planning Commission and staff recommended approval.   |
| 11/07/01 | The City Council approved the Town Center Development Standards Manual, which designated the subject site as MS-TC (Main Street Mixed Use - Town Center).   |
| 03/06/02 | The City Council approved a Development Agreement (DA-0002-01) between the City of Las Vegas and Montecito Town Center, LLC to establish standards for the 172-acre area within the Centennial Hills Town Center known as Montecito Town Center. The Planning Commission and staff recommended approval.  |
| 04/07/04 | The City Council approved a Major Modification (MOD-3735) to the Montecito Development Agreement to add 10 acres to the plan at the southeast corner of Deer Springs Way and Grand Montecito Parkway. Also approved were a Special Use Permit (SUP-3503) for a gated subdivision with private streets and a Site Development Plan Review (SDR-3505) for a proposed 96-lot single-family |

residential development on the 10-acre site. This site is directly south of the subject property.

- 12/01/04 The City Council approved a Major Modification (MOD-5497) of the Town Center Land Use Plan to change the land use designation from MS-TC (Main Street Mixed Use – Town Center) to GC-TC (General Commercial – Town Center) on 24.91 acres adjacent to the northwest corner of Deer Springs Way and U.S. Highway 95. The Planning Commission and staff recommended approval.
- 06/01/05 A request to amend the Master Plan of Streets and Highways to realign a portion of Grand Montecito Parkway between Dorrell Lane and Deer Springs Way was Withdrawn Without Prejudice by the City Council.
- 05/25/06 The Planning Commission held this item in abeyance to the 06/08/06 PC meeting to allow the applicant additional time to discuss and resolve access and traffic issues with the Department of Public Works
- 06/07/06 The City Council approved a General Plan Amendment (GPA-12273) to amend Map 2 and Map 6 of the Transportation Trails Element of the Las Vegas 2020 Master Plan to delete one Transportation Trail Alignment and revise two other alignments from Transportation Trails to Pedestrian Paths. The Planning Commission and staff recommended approval.
- 06/08/06 The Planning Commission recommended denial of companion items MOD-11449, SUP-11444 and SDR-10126 concurrently with this application.
- 06/08/06 The Planning Commission voted 3-3 to recommend DENIAL (PC Agenda Item #25/ss).

***B) Pre-Application Meeting***

- 10/06/05 A neighborhood meeting will be required for this project. The Doe Brook Trail right-of-way, which bisects the property, was discussed. Traffic signals must be in operation prior to opening of the mall. A right turn lane must be provided at Montecito Parkway and Deer Springs Way. The floor area ratio cap in the Montecito Town Center portion was discussed, as well as required open space. Streets will be designed to meet Town Center standards. A parking analysis will be required. Other issues included walls on the west side of Grand Montecito Parkway, signage, and landscaping.
- 11/21/05 Guidelines were given for submittal of Major Modification, Special Use Permit, and Site Development Plan Review applications for review. Applications should be updated as appropriate. The applicant was asked to clarify the site plan to

show which part is located within the GC-TC District, and to provide an update of the current number of residential units in the Montecito area. The vicinity map should show how major streets will be able to get to the project site. Cross sections of Grand Montecito Parkway should be provided showing the proposed parking structure.

***C) Neighborhood Meetings***

02/28/06 Over 150 members of the public were in attendance. Comments and concerns included the following:

- The Town Center portion should be two stories, and all high-rise development should be planned in the Montecito portion.
- Concerns about traffic in the area
- Issues with proposed bus stop
- There was a concern that the project was too large.
- A park should be located closer to the Timberlake area.

05/16/06 A second meeting was held at Santa Fe Station and was attended by 39 citizens. Representatives of the applicant told those gathered that if approved, the mall would break ground in April 2007, with the two anchors opening by 2008. The mall is to be three stories. The condominiums would be located in two 15-story towers, a point of concern for the neighbors. Residents also wanted to know about the size of the project, potential tenants, parking, gathering areas, where offices would be located, and weekend construction. Concerns from the public that could potentially become conditions of approval included the following:

- Security lighting – wanted minimum standards; no 30 foot poles
- Will exceed minimum landscape all around
- Bus stop & shuttle built by applicant
- Towers will follow 12 months behind mall
- Residents want retail kiosks in outside area
- Parking structure mesh wall to mitigate sound & light
- North-south parking trail
- Parking within the “lifestyle center” entrance

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Gross Acres: 24.91

**B) Existing Land Use**

Subject Property: Undeveloped  
 North: Undeveloped  
 South: Single Family Residential  
 East: U.S. Highway 95  
 West: Undeveloped

**C) Planned Land Use**

Subject Property: GC-TC (General Commercial – Town Center)  
 North: PF-TC (Public Facilities – Town Center)  
 South: L-TC (Low Density Residential – Town Center)  
 East: ROW (Right-of-Way)  
 West: MS-TC (Main Street Mixed Use – Town Center)

**D) Existing Zoning**

Subject Property: T-C (Town Center)  
 North: T-C (Town Center)  
 South: T-C (Town Center)  
 East: T-C (Town Center)  
 West: T-C (Town Center)

**E) General Plan Compliance**

The subject site is designated TC (Town Center) on the Centennial Hills Interlocal Land Use Map in the Centennial Hills Sector Plan of the City's Master Plan. This category is intended to be the principal employment center for the Northwest and is a mixed-use development category. The mix of uses can include mall facilities, high-density residential uses, planned business, office and industrial parks and recreational uses, as compatibility allows. The existing T-C (Town Center) Zoning District conforms to the TC (Town Center) Master Plan land use designation, and the range of office, retail and high density residential uses also conforms to the TC designation.

The eastern portion of the project site is designated as GC-TC (General Commercial - Town Center) in the Town Center Development Standards Manual. The applicant has submitted a Major Modification (MOD-11449) to change the land use designation to UC-TC (Urban Center Mixed Use – Town Center) to allow for residential and commercial uses on the same parcel.

<b>SPECIAL DISTRICTS/ZONES</b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>	<b>X</b>	
Town Center	X	
<b>Special Overlay District</b>		<b>X</b>
<b>Trails</b>	<b>X</b>	
<b>Rural Preservation Neighborhood</b>		
<b>Development Impact Notification Assessment</b>	<b>X</b>	
<b>Project of Regional Significance</b>		<b>X</b>

### **Town Center**

The site is located within the Town Center Master Plan and is designated GC-TC (General Commercial – Town Center). This land use category allows all types of retail, service, office and other general business uses of a more intense commercial character. The applicant, through this Major Modification, requests to change the land use to UC-TC (Urban Center Mixed Use – Town Center), which typically consists of multi-story mixed-use developments that maximize the use of the property. There is no density limit in the UC-TC District; however, height standards and land availability restrict the number of units that can be provided.

### **Trails**

A segment of a Multi-Use Transportation Trail is proposed on the north side of Deer Springs Way between Doe Brook Trail and Oso Blanca Road. On June 7, 2006 the City Council will consider a General Plan Amendment (GPA-12273) to amend Map 2 and Map 6 of the Transportation Trails Element of the Las Vegas 2020 Master Plan to delete this trail alignment. There are no other trails adjacent to the proposed project, except as required by Town Center roadway standards.

### **Development Impact Notice Assessment (DINA)**

The proposed project is deemed to be a “Project of Significant Impact” based on traffic projections in the area. The applicant was required to submit an environmental impact questionnaire that was reviewed by various local and regional agencies. A summary of their comments appears below in the “Interagency Issues” section below.

## **ANALYSIS**

### **A1) Open Space Standards**

Pursuant to Title 19.06.110 and the Town Center Development Standards Manual, the following Open Space Standards apply to the subject proposal:

Plan Area	Acres	Required			Provided	
		Ratio	Percent	Area	Percent	Area
Town Center	24.91 acres	N/A	20 %	4.98 acres or 217,016 SF	16.2 %	4.04 acres or 175,965 SF

The proposal meets the 12 percent open space standard in the Montecito Plan and is short of meeting the 20 percent open space requirement in Title 19 and the Town Center Development Standards Manual. This application has been submitted to permit the reduced amount of open space. The deviation is 19 percent from the standard.

***B) General Analysis and Discussion***

This Variance pertains to only the portion of the proposed mixed-use project that is in the Town Center area. This is the eastern portion of the development as noted on the submitted site plan. Although the 20 percent open space requirement is found in Title 19, the Town Center Development Standards Manual describes the areas (landscape buffers, courtyards and plazas, for example) that may account for the required open space.

An additional 41,051 square feet of open space would be required in this area to meet requirements. The deficiency is too great to be considered acceptable. The original information provided by the applicant on the submitted plans noted an incorrect acreage and thus had incorrect tallies for the landscaping. The totals provided were regarding net acreage. Title 19.06 requires that the totals be based on gross acreage. A revised open space plan submitted May 16, 2006 adjusted the area accordingly. The updated information was used for the calculations in this report.

**FINDINGS**

In accordance with the provisions of Title 19.18.070(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship. An alternative design featuring additional landscaping would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 10

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 566 by City Clerk

**APPROVALS** 0

**PROTESTS** 0